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09/928,292

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EXAMINER

NELSON, FREDA ANN

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|-----------------------------------|--|
| Office Action Summary | Application No. 09/928,292 | Applicant(s) LEE ET AL. | |
| | Examiner FREDA A. NELSON | Art Unit 3628 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 22-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The amendment received on February 20, 2008 is acknowledged and entered.

Claims 11-21 and 25-29 have been canceled. No claims have been added. Claims 1-10 and 22-24 are currently pending.

Response to Amendments and Arguments

Applicant's arguments filed February 20, 2008 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's arguments that "Bennett does not make tracking information directly accessible to the office worker like the invention claimed by Applicant in claim 1 and those claims dependent thereon" and "the cited art does not disclose or anticipate the following steps of claim 1 namely, automatically detecting at the mail room the special service indicator on the mail item and determining the special service delivery required based on the detection of the special service indicator; applying at the mail room a unique office worker generated identifier to the mail item, the unique identifier including an electronic address of a company server; receiving from the carrier at the electronic address obtained by the carrier from the unique identifier on

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the mail item information relating to the location of the mail item, the Examiner respectfully disagrees. Bennett et al. discloses the Shipper can use the System to locally print on the Shipper's printer device a bar-coded shipping label according the Selected Carrier's certification standards; and in some embodiments, the bar-coded shipping label, including two dimensional bar code labels, and other types of shipping labels, can be printed on either a thermal label printer or on a laser printer (col. 47, lines 53-63; FIGS. 3 and 11).

Bennett et al. further discloses the System requests that a System database server, e.g., 20a (as depicted in FIG. 5) locate and retrieve the package record that is associated with the tracking number 19, wherein the System database server, e.g., 20a as depicted in, e.g., FIG. 5, uses the entered tracking number 19 to search the System database 22 to locate and retrieve the specified package record. In one embodiment, the System database server, e.g., 20a as depicted in, e.g., FIG. 5, is programmed to perform database accesses using Sequel 7.0 (col. 54, lines 46-62; FIG. 69).

Bennett et al. still further disclose status 2071 reports the Delivery Status, also referred to as the Track, or Tracking, State. Last Scan 2072 reports Last scan information for the particular package. When a package is moved from one location to another, the label of the package is scanned according to each Carrier's processing requirements. Also, many Carriers scan package labels when packages are received by the recipients. Delivered To 2073 reports the person or place to which the package was delivered (e.g., left with receptionist, receptionist front desk, or guard) (col. 56, lines 29-49) .

In response to applicant's argument that "the art cited by the Examiner does not disclose or anticipate using a special service indicator that is a specific color that is associated with a special service delivery", the examiner asserts that Bloom discloses cases of temperature-controlled items can, for example, be labeled with a different color label or marked in some way to indicate that they contain temperature-controlled items. RDC workers performing the local market sort and the CDC sort can give a higher priority to cases of temperature-controlled items to move them through the RDC faster; and items can be picked from cases containing temperature-controlled items to create temperature-controlled bulk delivered packages. Temperature-controlled bulk delivered packages can be added to temperature-controlled delivery shipments and can be shipped to CDC's or LDDH's on temperature-controlled vehicles (col. 142, lines 5-17).

In response to applicant's argument that in regards to claim 8, the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., delivering digital images after they have been captured by a carrier) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that in regards to claim 22, the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., receptacle that contains mail items while the receptacle is transported in the delivery process) are not recited in the rejected claim(s). Although

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the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that in regards to claims 23-24, the art cited by the Examiner does not disclose or anticipate determining the location of the mail item is by knowing the location of the receptacle, the examiner respectfully disagrees. Gelfer discloses one or more of the carriers 5, 6, 7 can be equipped with a reader 15 for reading the identity codes during delivery of the mail in order to register and monitor each station during delivery. An immediate response can also be sent back to the postal service 1 and, if required, to the sender 2, 3 or 4 ([0019]).

In response to applicant's argument that in regards to claims 2-4, the cited art do not disclose or anticipate using color to identify special delivery service of mail item to an office worker, the examiner asserts that bloom discloses the cases of temperature-controlled items can be received onto a RDC inbound receiving dock conveyor (32) and moved into the local market sort. Cases of temperature-controlled items can, for example, be labeled with a different color label or marked in some way to indicate that they contain temperature-controlled items. RDC workers performing the local market sort and the CDC sort can give a higher priority to cases of temperature controlled items to move them through the RDC faster (col. 142, lines 3-12) (which the examiner interprets to be color coded labels to let workers know that a special delivery service is required).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 5-10 and 23-24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Gelfer (US PG Pub. 2002/0046194), in view of Bennett et al. (US Patent Number 7,117,170).

As per claims 1 and 10, Gelfer discloses a method for tracking a special service delivery by a carrier of a mail item created by an office worker, the method comprising the steps of: applying a special service indicator, (identity certificate), to the mail item during creation of the mail item (paragraph [0004]), identity certificate; see FIG. 1);

sending the mail item to a mail room, (data center), for final processing prior to submitting the mail item to the carrier for the special service delivery, (paragraph [0004], identity certificate can be used by the carrier for delivering in the data center);

automatically detecting at the mail room the special service indicator on the mail item and determining the special service delivery required based on the detection of the special service indicator (paragraph [0004], the information contained in the identity certificate can be used by the carrier for delivering and billing in the data center); and

submitting the mail item with the unique identifier thereon to the carrier for the special service delivery (paragraph [0004], the information contained in the identity certificate can be used by the carrier for delivering).

Gelfer does not explicitly disclose applying at the mail room a unique office worker generated identifier to the mail item, the unique identifier including an electronic address of a company server; receiving from the carrier at the electronic address obtained by the carrier from the unique identifier on the mail item information relating to the location of the mail item; and providing the office worker with access to the company server to obtain the information relating to the location of the mail item.

However, Bennett et al. discloses the Shipper can use the System to locally print on the Shipper's printer device a bar-coded shipping label according the Selected Carrier's certification standards. In some embodiments, the bar-coded shipping label, including two dimensional bar code labels, and other types of shipping labels, can be printed on either a thermal label printer or on a laser printer. The Shipper specifies the type of printer to the system during initial setup procedures. Thereafter, the System uses, as appropriate, the thermal printer or laser printer module to prepare the label image for printing on the Shipper's printer (col. 47, lines 53-63; FIGS. 3 and 11).

Bennett et al. further discloses the System requests that a System database server, e.g., 20a (as depicted in FIG. 5) locate and retrieve the package record that is associated with the tracking number 19, wherein the System database server, e.g., 20a as depicted in, e.g., FIG. 5, uses the entered tracking number 19 to search the System database 22 to locate and retrieve the specified package record. In one embodiment, the System database server, e.g., 20a as depicted in, e.g., FIG. 5, is programmed to perform database accesses using Sequel 7.0 (col. 54, lines 46-62; FIG. 69).

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to modify the invention of Gelfer to include the features of Bennett et al. to emulate an invention that deals with the billing and tracking of mail by using labels and bar codes as an indicator, in order to make an invention more efficient.

As per claim 5, Gelfer discloses a method wherein the special service indicator is a label (paragraph [0011] identity codes are printed in the form of bar-codes on self adhesive labels which can removed).

As per claim 6, Gelfer discloses a method wherein the special service indicator is printed on the mail item (paragraph [0011], identity codes are printed in the form of bar-codes on self adhesive labels which can removed).

As per claim 7, Gelfer discloses a method wherein the special service indicator is machine readable (paragraph [0009], readers can be provided at one or more delivery stations for reading the identity codes).

As per claim 8, Gelfer does not explicitly disclose a method as recited wherein the information relating to the mail item includes an image of the mail item.

However, Bennett et al. discloses FIG. 55 depicts a flow diagram of an exemplary embodiment of the aspect of the invention that provides printing of

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dimensionally accurate images, such as dimensionally sensitive symbologies including two-dimensional bar codes and other two-dimensional machine readable symbologies. This aspect of the invention provides the printing of such dimensionally accurate images on various types of printer devices including among others HP-compatible laser printers. The printer devices can be configured with remote computers, such as PC's, that will receive signals to print the dimensionally accurate image over a communications network such as the Internet. Each PC having a client browser or executing like software, and each PC being configured with a pre-established Image Resolution that applies to the display device and the printer device configured with the PC (col. 48, lines 43-63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made modify the invention of Gelfer with the features of Bennett et al. in order to generate an image of the mail item to be delivered providing the image is stored in the database for later usage as taught by Bennett et al. with the motivation of providing an image to an client.

As per claim 9, Gelfer discloses a method wherein the information relating to the location of the mail item further includes date, time, and location data, ([0009], allowing monitoring of the exact route of the mail piece. Used for tracking and tracing). This suggests that the location of the mail piece can always be tracked. Also on ([0009], that a storage memory can be used to store information about the mail pieces).

As per claim 22, Gelfer discloses a method as recited in claim 1, wherein the mail item is in a receptacle containing other mail items (paragraphs [0016],[0020]; FIG.1).

As per claim 23, Gelfer discloses a method as recited in claim 22, wherein the location of the receptacle is determined (paragraph [0020]).

As per claim 24, Gelfer discloses a method as recited in claim 23, wherein the location of the mail item is determined by knowing the location of the receptacle (paragraphs [0018]-[0020]).

2. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gelfer (US PG Pub. 2002/0046194), in view of Bennett et al. (US Patent Number 7,117,170), still in further view of Bloom (US Patent Number 6,974,928).

As per claims 2-3, Gelfer does not explicitly mention a method wherein the special service indicator is a specific color associated with the special service delivery; and the specific color is automatically detected and identified to determine the special service delivery required by the mail item.

However, Bloom discloses cases of temperature-controlled items can, for example, be labeled with a different color label or marked in some way to indicate that they contain temperature-controlled items. RDC workers performing the local market sort and the CDC sort can give a higher priority to cases of temperature-controlled items

to move them through the RDC faster; and items can be picked from cases containing temperature-controlled items to create temperature-controlled bulk delivered packages. Temperature-controlled bulk delivered packages can be added to temperature-controlled delivery shipments and can be shipped to CDC's or LDDH's on temperature-controlled vehicles (col. 142, lines 5-17).

Therefore, it would have been obvious to a person of ordinary skill in the art the time the invention was made to modify the invention of Gelfer to include the features of Bennett et al. and Bloom in order to provide the users an indicator that is color correlated with motivation of having a system that is able to associate a color indicator with a particular delivery service or priority.

As per claim 4, Gelfer does not disclose a method as recited in claim 3, wherein the specific color is selected from a plurality of different colors, each of the plurality of different colors serving as an indicator of a different special service delivery requirement.

Bloom discloses although cases of standard-temperature items and cases of temperature-controlled items can be mixed together, RDC workers performing the local market sort and CDC sort can, for example, recognize cases of temperature-controlled items by a different color or marking on their case label and can move them through the RDC with a higher priority. Bloom does not explicitly disclose a plurality of different colors, however, *“workers performing the local market sort and CDC sort can, for example, recognize cases of temperature-controlled items by a different color or*

marking” suggests that there are others colors users for packages that are not-temperature-controlled.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Gelfer to include the feature of Bennett et al. and Bloom in order to provide the users an indicator that is color correlated with motivation of having a system that is able to associate a color indicator with a particular delivery service or priority.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Examiner's Note

Examiner cited particular pages, columns, paragraphs and/or line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freda A. Nelson whose telephone number is (571) 272-7076. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. A. N./
Examiner, Art Unit 3628
5/13/2008

/JOHN W HAYES/
Supervisory Patent Examiner, Art Unit 3628